

Public Hearing: January 24, 2004

F A C T S H E E T

TITLE: Resolution for Impact Fee Appeal with
Adams Enterprises Inc. dba Town and Country
Homes at 7420 Otoe Ct

SPONSOR:

OPPONENTS: Public Works & Utilities

OTHER DEPARTMENTS AFFECTED:

STAFF RECOMMENDATION: Denial

APPLICANT: Mike Adams, President, Adams
Enterprises, Inc. dba Town & Country Homes

REASON FOR LEGISLATION: Impact Fee Appeal

D I S C U S S I O N

Lincoln Municipal Code §27.82.050 (a) provides in pertinent part that “On and after June 2, 2003 and the adoption of the impact fees schedules by resolution of the City Council, any person who applies for a building permit shall pay a water system impact fee, water distribution impact fee, wastewater impact fee, arterial street impact fee, and neighborhood park and trail impact fee unless the type of development described in the permit, or to be engaged in, is specifically exempted, waived or subsidized by this ordinance, or unless the type of development described in the permit is not located in an impact fee benefit district for the above-described impact fees.”

Impact fees are charges levied against new construction and changes in land use. Impact fees help generate revenue to build new arterial streets, water lines, wastewater lines, and parks needed because of the new construction and changes in land use. The fact that the proposed construction has direct access to, or is located close to, an existing facility of the type covered by an impact fee, shall not by itself be evidence that the proposed development will have no impact on the need for Impact Fee Facilities of the type covered by the impact fee.

Lincoln Municipal Code §27.82.060 (b) (1) provides in pertinent part that “Development, pursuant to a written agreement or other approval between the City and a developer which was entered into prior to June 1, 2002, and which specifically included or required the participation by the developer in the financing or construction of the Impact Fee Facilities for the approved development shall be exempt from the impact fee charged for those specific types of Impact Fee Facilities the developer agreed to finance or construct in whole or in part.”

Prior to June 1, 2002 negotiations took place between developers, builders and the City. These negotiations, based on the different levels of participation by these individuals in the eligible capital costs determined the categorically exempted areas. New construction at property located at 7420 Otoe Ct does not meet this exemption criteria.

The new construction at the property located at 7420 Otoe Ct does not meet the any of the exemption criteria requirements outlined in the Lincoln Municipal Code §27.82.060 Exemptions From Impact Fees.

POLICY OR PROGRAM CHANGE: No

FACT SHEET PREPARED BY:

Asst. Public Works/Utilities Business Manager

REVIEWED BY:

Director of Public Works/Utilities